

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 VICTOR RUIZ,

4 Plaintiff,

5 v.

6 ELKO COUNTY JAIL,

7 Defendant.

Case No.: 3:23-cv-00352-MMD-CLB

8  
9 ORDER

10 (ECF No. 1)

11 On July 14, 2023, pro se plaintiff Victor Ruiz, an inmate at Elko County Detention  
12 Center, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma*  
13 *pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is incomplete  
14 because Plaintiff failed to include an inmate trust fund account statement for the previous  
15 six-month period with the application, and the financial certificate that Plaintiff included  
16 has not been completed or signed by a jail official. (See ECF No. 1 at 4).

17 This Court must collect filing fees from parties initiating civil actions. 28 U.S.C.  
18 § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee  
19 and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to  
20 prepay the fees in a civil case may apply to the court for leave to proceed *in forma*  
21 *pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status,  
22 the inmate must submit **all three** of the following documents to the Court: (1) a completed  
23 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the  
24 Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a  
25 completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is  
26 properly signed by both the inmate and a prison or jail official; and (3) a copy of the  
27 **inmate’s prison or jail trust fund account statement for the previous six-month**  
28 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*  
status does not relieve an inmate of his or her obligation to pay the filing fee, it just means  
that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has **until Monday, October 2, 2023** to either pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when he can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff Victor Ruiz the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the complaint (ECF No. 1-1) but not file it at this time.

DATED THIS 2nd day of August 2023.

  
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UNITED STATES MAGISTRATE JUDGE